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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,586	07/08/2003	Tony W. Mears	F012.PAT-9	8998

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Emery L. Tracy
P.O. Box 1518
Boulder, CO 80306-1518

EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,586

Applicant(s)

MEARS, TONY W.

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-21, 23-25, 27-31 and 40-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-16, 19-21, 23-25, 27-29 and 42-44 is/are rejected.
- 7) ☒ Claim(s) 17, 18, 30, 31, 45 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 20 recites the limitation "the sheet material" in line 1. There is insufficient antecedent basis for this limitation in the claim. The sheet material to which claim 20 refers has been deleted from claim 19. This renders claim 20 indefinite because it is unclear if applicant intends to have the sheet material in the claim or not. Claim 21 has a similar recitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1, 2, 4, 6, 8, 9, 12, 14-16, 19, and 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Quillen et al. (US 4,639,960). Quillen shows first bladder (26) and second bladder (30) (see figs. 1, 4, and 5). The first end of each bladder is the largest radius tube of the bladder. The second end of each bladder is the

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smallest radius tube of the bladder. Quillen shows connecting means (78, 80) that connect the first ends of the bladders. The second ends of the bladders are free from connection to each other such that they may be moved toward each other. During assembly, there is a point before attachment of bladders (24, 28) when the second ends of bladders (26, 30) aren't connected to anything.

6. It is noted that claim 1 recites "an inflatable watercraft support device for supporting a watercraft". The recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Here, the body of the claim does not breath life into the preamble.

7. It is noted that claim 1 recites "for supporting a watercraft". In addition to being recited in the preamble, as described above, the recitation is one of intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Here, the Quillen apparatus could be used to support a watercraft.

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8. Claim 2, the bladders (26, 30) are angled upward from the second end to the first end when laid on a horizontal surface (see figs 4 and 5; see column 6, lines 48-53).

9. Claim 4, the first and second bladders taper downward from the first end to the second end.

10. Claim 6, the connection means includes flexible tie or strip (84), which constitutes threads.

11. Claim 8, Quillen shows bladders (24, 28) connected to the second ends of the first and second bladders. The other bladders constitute an adjusting means between the first and second bladder. The adjusting means is releasable by removing the strips that connect the other bladders. The adjusting means can maintain the maximum distance between the second ends of the first and second bladders.

12. Claim 9, the adjusting means comprises at least one adjustable strap (84) that extends, at least indirectly, between the first and second bladders.

13. Claim 12, there is a hole in the connecting means (72). The hole constitutes an aperture that could be used as a stake down aperture.

14. Claim 14, member (68) could be used as a handle.

15. Claim 15, member (72) could be used as a handle.

16. Claim 16, fill valve (36) is shown on each bladder.

17. Claim 19, Quillen shows first bladder (26) and second bladder (30) (see figs. 1, 4, and 5). The first end of each bladder is the largest radius tube of the bladder. The second end of each bladder is the smallest radius tube of the bladder. Quillen shows connecting means (78, 80) that connect the first ends of the bladders. the bladders (26,

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30) are angled upward from the second end to the first end when laid on a horizontal surface (see figs 4 and 5; see column 6, lines 48-53).

18. It is noted that claim 19 recites "an apparatus for docking and towing watercraft". The recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Here, the body of the claim does not breath life into the preamble.

19. It is noted that claim 19 recites "for docking and towing watercraft". In addition to being recited in the preamble, as described above, the recitation is one of intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Here, the Quillen apparatus could be used to dock and tow a very small (or toy) watercraft.

20. Claim 23, the first and second bladders taper downward from the first end to the second end.

21. Claim 24, the connection means includes flexible tie or strip (84), which constitutes threads.
22. Claim 25, there is a hole in the connecting means (72). The hole constitutes a stake down aperture.
23. Claim 27, member (68) could be used as a handle.
24. Claim 28, member (72) could be used as a handle.
25. Claim 29, fill valve (36) is shown on each bladder.
26. Claims 1, 5, 12, 14-16, 42, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (US 4,459,714). Claim 1, Lin shows first bladder (1) and second bladder (1) (see fig 6). Each has a first and second end. Each bladder has flap (11) and single aperture (12) (see figs 2 and 2A). The first ends are connected by a connection means. The connection means comprises the flaps, apertures, and bent pin mechanism (2). The second ends of each bladder are not connected and are movable toward each other (see fig 6).
27. Claim 5, the connection means comprises the flaps, apertures, and bent pin mechanism (2). The pin is directly insertable into each single aperture.
28. Claim 12, the unused holes (12) shown in fig 6 could be used as a stake down aperture.
29. Claim 14, the unused flaps (11) holes (12) shown in fig 6 could be used as a handle.

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30. Claim 15, the unused flaps (11) holes (12) shown in fig 6 could be used as a handle.

31. Claim 16, each bladder (1) has a fill valve (15).

32. Claim 42, Lin shows first bladder (1) and second bladder (1) (see fig 6). Each has a first and second end. Each bladder has flap (11) and single aperture (12) (see figs 2 and 2A). The connection means comprises the flaps, apertures, and bent pin mechanism (2). The pin is directly insertable into each single aperture. It is noted that claim 42 recites "an inflatable watercraft support device for supporting a watercraft".

The recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Here, the body of the claim does not breath life into the preamble. Furthermore, it is noted that claim 42 recites "for supporting a watercraft". In addition to being recited in the preamble, as described above, the recitation is one of intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235

(CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Here, the Lin apparatus could be used to support a watercraft.

33. Claim 44, the second ends of each bladder are not connected and are movable toward each other (fig 6).

34. Claims 1, 7, 10, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkerson et al. (US 4,989,691). Wilkerson shows first bladder (20) and second bladder (30). They are connected at their respective first ends by hinge (33). Their respective second ends are free from connection such that they may move toward each other.

35. Claim 7, the air chambers and passages of the entire ladder are interconnected so that it may be inflated from one source (column 2 through column 3).

36. Claim 10, flap (33) is the connection means. Flap (32) is a non-rigid floor between the first and second bladders.

37. Claims 14 and 15, Wilkerson shows handles on each bladder.

38. Claims 1, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by McCrory et al. (US 4,251,893). Regarding claim 1, McCrory shows a first bladder (12, 16, 18) and a second bladder (14, 17, 19). The first ends are connected at (18) and (19). The second ends are free from connection such that they could move toward each other, at least to a small degree. Rub rail (50) is the connection means.

39. Claim 10, inflatable thwart (52) constitutes an elevated floor. The thwart is inflatable and so is non-rigid.

40. Claim 11, the thwart is connected to the first and second bladders by lacing.

41. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Boddy (US 6,155,899). Regarding claim 1, Boddy shows first bladder (2) and second bladder (3). They are connected at their first ends (the bow). They are free from connection at the second ends (the stern). The connection means is the skin (15).

42. Claim 3, see figure 8.

Claim Rejections - 35 USC § 103

43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

44. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quillen et al. (US 4,639,960) in view of Lin (US 4,459,714). Quillen shows a first bladder, second bladder, and connection means that connects the first ends of the bladders. The connection means comprises members (78, 80, 84). Lin shows a connection means for connecting two inflatable bladders. The connection means comprises lugs (11), holes (12), and pin mechanism (2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Quillen

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by using the connection means shown by Lin. The motivation would be to reduce the complexity of the connection such that the bladders could be connected and disconnected easier and faster. Regarding claim 43, Quillen shows that the bladders are angled upward from the second end to the first end when laid flat on a horizontal surface.

Allowable Subject Matter

45. Claims 17, 18, 30, 31, 40, 41, 45, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

46. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

47. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

48. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number 571-272-6690. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at 571-272-6684. **The Central FAX Number for official communications is 571-273-8300.** The fax number directly to the examiner for unofficial communications is 571-273-6690.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

ANDREW D. WRIGHT
PRIMARY EXAMINER

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